

1 **OPP**  
2 **SUSAN WILLIAMS SCANN, ESQ.**  
3 Nevada Bar No. 000776  
4 **DEANER, DEANER, SCANN, MALAN & LARSEN**  
5 720 South Fourth Street, Suite #300  
6 Las Vegas, Nevada 89101  
7 (702) 382-6911  
8 Attorneys for Robert Russell

**E-Filed on: February 13, 2009**

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF NEVADA**

9 In re:  
10 USA COMMERCIAL MORTGAGE  
11 COMPANY,  
12 Debtor,

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

12 In re:  
13 USA CAPITAL REALTY ADVISORS, LLC,  
14 Debtor,

**Chapter 11**  
***Jointly Administered Under***  
**Case No. BK-S-06-10725 LBR**

15 In re:  
16 USA CAPITAL DIVERSIFIED TRUST DEED  
17 FUND, LLC,  
18 Debtor,

**Date of Hearing: 2/20/09**  
**Time of Hearing: 9:30 a.m.**

Affects:

18 In re:  
19 USA CAPITAL FIRST TRUST DEED FUND,  
20 LLC,  
21 Debtor,

☒ USA Commercial Mortgage Company  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Realty Advisors, LLC  
☐ USA Securities, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC

21 In re:  
22 USA SECURITIES, LLC,  
23 Debtor.

☐ All Debtors

**OPPOSITION TO FIRST OMNIBUS OBJECTION OF**  
**USACM LIQUIDATING TRUST TO DUPLICATE PROOFS OF CLAIM**

24 COMES NOW ROBERT RUSSELL ("Russell") by and through his attorney, SUSAN  
25 WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN, MALAN &  
26 LARSEN, and files this Opposition to First Omnibus Objection of USACM Liquidating  
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1 Trust to Duplicate Proofs of Claim.

2 Russell agrees that he is entitled to only one claim. The later claim may be disallowed  
3 as a duplicate. USACM Liquidating Trust has already filed an Objection to Claim No.  
4 10725-01088 as a duplicate and asked for its disallowance in Adversary Proceeding 08-  
5 01119LBR filed April 11, 2008. In that case, on page 21, line 6 through 15, of the  
6 Complaint, USACM Liquidating Trust objected to Claim No. 10725-10188 as duplicative.  
7 The present Objection requests that Claim No. 10725-00493 be disallowed. Russell requests  
8 that the later claim, which is apparently 01088, be the one that is disallowed as duplicative.

9 DATED: 2/13/09.

10 *Respectfully Submitted,*

11 DEANER, DEANER, SCANN,  
12 MALAN & LARSEN

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14 \_\_\_\_\_  
15 SUSAN WILLIAMS SCANN, ESQ.  
16 Nevada Bar No. 000776  
17 720 South Fourth Street, Suite 300  
18 Las Vegas, Nevada 89101  
19 Attorneys for Robert Russell  
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**CERTIFICATE OF MAILING**

I hereby certify that service of the Opposition to First Omnibus Objection of Usacm Liquidating Trust to Duplicate Proofs of Claim was made on February 13, 2009, by depositing a copy of the same in the United States mail in Las Vegas, Nevada, postage-prepaid, addressed to the following:

USA Commercial Mortgage  
4484 S. Pecos Rd.  
Las Vegas, NV 89121  
Debtor

Lenard Schwartz, ESQ  
Schwartz & McPherson Law Firm  
2850 S. Jones Blvd., #1  
Las Vegas, NV 89146  
Attorney for Debtor

U.S. Trustee  
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Las Vegas, NV 89101

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John Hinderaker  
3993 Howard Hughes Parkway, Suite 00  
Las Vegas, NV 89169-5996  
Attorneys for USACM Liquidating Trust

  
Employee of DEANER, DEANER, SCANN,  
MALAN & LARSEN